IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.2501 of 2005

Shri Jaywant Balwant Shirtar — Petitioner
Vs.
State of Maharashtra & anr. — Respondent

Mr.S.A.Sawant for petitioner.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

July 31, 2007.

P.C.

. Heard Mr.Sawant, the learned Advocate for the petitioner-husband who is the respondent in Misc. Criminal Application No. 172 of 2002. The said application has been filed by the respondent no.2 - wife claiming maintenance under Section 125 of Cr.P.C. The petitioner had submitted an application at Exhibit 60 which came to be dismissed for the reasons stated in the order passed by the learned Judicial Magistrate, First Class below Exhibit 59.

. It appears that time and again the applications were made by the petitioner-husband to issue witness summons to the Head Master of Secondary High School, Lonavala and the President of Shree Ekveera Seva Pratishthan, Devgad. Eight such applications were filed, several bailable warrants

against the said witnesses were issued and they could not be served. On 13/4/2005 bailable warrant was issued against the witness and the same was handed over to the petitioner-husband to serve. However, he could not submit the report of service. His evidence was closed on 2/11/2004 and again in the interest of justice one more opportunity was granted to him on 17/1/2005 and consequently on 23/2/2005 the non-applicant has examined Bapu Patil, the head Master of Secondary School, Lonawala in support of his case that the applicant-wife was working in the said school. The application filed by the wife has been pending right from 2002 and by applications filed by the husband from time to time the proceedings were unnecessarily delayed.

. In the additional affidavit filed before this Court, the petitioner-husband has brought on record some documents of Maval Vidya Pratishthan, Lonavala, Taluka Maval, Dist. Pune in support of his claim that the wife is working as the Head Mistress. This piecemeal evidence sought to be placed on record need not be allowed and when number of applications were filed without any warrant being served, the trial Court was right in rejecting the application. No

interference is, therefore, called for in the said order. However, if the petitioner places before the trial Court the documents purportedly originating from Maval Vidya Pratishthan, Lonavala, it is for the trial Court to consider the same after giving an opportunity to the applicant-wife.

. Hence the petition is rejected summarily and the petitioner may place the additional documents before the trial Court by separate application.

Ad-interim order, if any, stands vacated.

(B.H.MARL